

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 95-1198-S - ORDER NO. 96-116 ✓
FEBRUARY 21, 1996

IN RE: Application of Midlands Utility, Inc.) ORDER
for Approval of an Extension of its) APPROVING
Service Area for Sewerage Service in) EXTENSION OF
Lexington County, SC.) SERVICE AREA

This matter is before the Public Service Commission of South Carolina ("the Commission") on the Application of Midlands Utility, Inc. ("Midlands") to extend its existing service area to provide sewer service to a parcel of land being developed as a shopping center. The parcel of land is located at the intersection of S.C. Highway Number 386 (also known as Oak Drive) and U.S. Highway Number 1 (aka Augusta Road) in Lexington County, South Carolina. The Application was filed pursuant to S.C. Code Ann. §58-5-240 (1976), 26 S.C. Code Ann.Reg.103-504 (1976), and 26 S.C. Code Ann.Reg.103-821 (1976). In its Application, Midlands requested a waiver of a formal hearing. By Order No. 96-47 (dated January 17, 1996), the Commission denied Midlands request for a waiver of hearing and set this matter for hearing.

By letter dated November 21, 1995, the Commission's Executive Director instructed Midlands to publish, one-time, a prepared Notice of Filing and to mail the Notice of Filing to each affected customer. The Notice of Filing indicated the nature of Midlands'

Application and instructed interested parties of the manner and time in which to intervene as a party of record in the proceeding. Midlands submitted documentation stating it had complied with the instructions of the Executive Director. No Petitions to Intervene or letters of protest were received by the Commission.

On February 8, 1996, a hearing regarding Midlands' Application was convened in the Commission's hearing room. The Honorable Rudolph Mitchell, Chairman, presided. Midlands was represented by Frank R. Ellerbe, III, Esquire. Florence P. Belser, Staff Counsel, represented the Commission Staff.

Keith G. Parnell, Operations Manager of Midlands, appeared and offered testimony in support of Midlands' Application. According to Mr. Parnell, Midlands is seeking to provide service to a parcel of property located at the corner of U.S. Highway Number 1 and Oak Drive in Lexington County. The property is being developed as a shopping center in which a Piggly Wiggly grocery store is the anchor tenant with other commercial and retail establishments locating there also.

Mr. Parnell testified that Midlands currently provides services to customers across U.S. Highway Number 1 from the shopping center and further that the other ratepayers of Midlands will not incur any expense with extending facilities to provide service to this parcel. According to Mr. Parnell, Midlands is capable of handling the additional customers and additional wastewater flow, and the wastewater will be treated by the City of Cayce under the same terms and conditions as other Midlands'

customers. Mr. Parnell also offered that approval of Midlands request for extension of service area would be in the public interest as the businesses located on the property would receive affordable sewer service and the other customers of Midlands would benefit from having additional commercial customers added to the system without having to bear the expenses associated with the extension.

The Commission acknowledges that Midlands is a corporation organized and existing under the laws of the State of South Carolina and is a public utility within the meaning of S.C. Code Ann. §58-5-10(3) (Supp. 1995). As a public utility operating in the State of South Carolina, Midlands is subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-5-10 et seq. (1976), as amended. Midlands was previously granted a service area, and rates and charges for sewer service have heretofore been approved by this Commission.

Upon a thorough review of the matters contained in the Application, the applicable law, and the record from the hearing, the Commission finds and concludes that it is in the public interest and required by the public convenience and necessity for Midlands to extend its service area to include the parcel of property being developed as a shopping center at the intersection of S.C. Highway Number 386 (aka Oak Drive) and U.S. Highway Number 1 (aka Augusta Road) in Lexington County, South Carolina. Midlands shall provide service to this parcel in a manner which is consistent with the Rules and Regulations of this Commission and

applicable laws of this State.

IT IS THEREFORE ORDERED THAT:

1. The Application of Midlands to extend its service area to include the parcel of land located at the intersection of S.C. Highway Number 386 (aka Oak Drive) and U.S. Highway Number 1 (aka Augusta Road) in Lexington County, South Carolina which is being developed as a shopping center is approved.

2. Midlands' previously authorized service area is extended to include the shopping center known as Mills Corner Shopping Center located at the intersection of S.C. Highway Number 386 (aka Oak Drive) and U.S. Highway Number 1 (aka Augusta Road) in Lexington County, South Carolina as reflected in the plat submitted with the Application.

3. The schedule of rates and charges previously approved for Midlands in Docket No. 90-528-S, Order No. 92-84 (dated February 28, 1992) is approved for the area approved herein, effective for service rendered on or after the date of this Order.

4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director
(SEAL)